

# HOUSE BILL ANALYSIS

## HB 1334

**Brief Description:** Revising regulation of private investigators.

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**Sponsors:** Representatives D. Sommers, Sterk, O'Brien, McMorris and Smith

Hearing: February 3, 1997

### **BACKGROUND:**

*The Department of Licensing regulates private investigators and private investigator businesses. Applicants must meet minimum requirements to become licensed.*

*An applicant for a private investigator license must be at least eighteen years of age with no criminal convictions that relate to the duties of a private investigator. The applicant must submit a set of fingerprints to the department, and must pay a non-refundable license fee. An applicant for an armed private investigator license must meet the minimum requirements, be at least twenty-one years of age, and have a current fire arms license issued by the Criminal Justice Training Commission.*

*An applicant who is a principal or owner of a private investigator business must be at least twenty-one years of age, and have a minimum of three years direct experience in investigations. The applicant must also pass an examination. A private investigator business may not operate under a company name that portrays the company as a law enforcement agency, and may not use the word "police." The business may not transfer or assign its license without the approval of the director of licensing.*

*The director conducts a background investigation of the applicant, including a finger print comparison, and issues a license card to each qualified applicant. Licensed investigators must carry the license card when performing private investigation services and must present it upon request. The director also issues a license card to private investigator businesses that must be conspicuously displayed by the business. A transfer application must be submitted by a licensee who transfers from one company to another.*

*The director may establish preassignment training, testing and continuing education requirements for licensees.*

*Within 30 days of an employee's death or termination of employment a business must*

*notify the director and return the employee's license. A private investigator business must notify the director and the local chief law enforcement official within seventy-two hours if in receipt of information affecting an armed private investigator's ability to hold a license.*

*The director may investigate complaints for unprofessional conduct and impose sanctions for violations of the licensing requirements. Specific acts may result in a person's conviction of a gross misdemeanor violation. The department is authorized to assess administrative penalties along with license suspension, revocation, or disciplinary action.*

## **SUMMARY OF BILL:**

New provisions are added and current provisions are revised for the licensing of private investigators, armed private investigators, private investigator businesses, and armed private investigator businesses.

The term **armed private investigator agency**– means a licensed private investigator business or an employee of that business.

The term **private investigator employee**– means a person employed by a licensed private investigator business.

The term **attorney service**– means a business engaged in serving legal documents.

The term **competitive intelligence professional**– means an employee of a business who conducts internal investigative-related activities for the business.

The term **information provider**– means a business that provides details on the existence, location, and content of public records.

At a minimum, an applicant for employment by a private investigator business or an armed private investigator business must be at least eighteen years of age *with no criminal convictions that relate to the duties of a private investigator. Finger print cards are not required.*

*An applicant for an armed private investigator license must be a licensed private investigator business or an employee of that business. An applicant must submit proof of employment to the department, be at least twenty-one years of age, and be in possession of a concealed pistol license. An armed private investigator is authorized to carry a firearm while he or she has a current concealed pistol license.*

The director issues an armed private investigator license card to each qualified applicant. The

licensed investigator must carry the license card when performing private investigation services, and must present it upon request of a law enforcement agent conducting an official inquiry. Under all other circumstances, a licensed private investigator may not inform anyone about his or her status as a private investigator.

The director may investigate complaints of prohibited practices.

The director is authorized to set fees related to the department's operation related solely to the licensing and regulation of private investigators. The department must lower the fees if they exceed the cost of administering the licensing program. The director must submit an annual accounting of the licensing program, and any fee increases to the legislature for approval.

Competitive intelligence professionals, information providers, and attorney services may not perform activities which are specifically designated to be within the province of private investigator activities.

**RULES AUTHORITY:** The bill does not contain provisions addressing the rule-making powers of an agency.

**FISCAL NOTE:** Requested on January 28, 1997.

**EFFECTIVE DATE:** Ninety days after adjournment of session in which bill is passed.